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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,197.	09/21/2001	Modest Khovaylo	10010566-1	4589
7590	08/25/2005		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,197	KHOVAYLO ET AL.	
	Examiner	Art Unit	
	Houshang Safaipour	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10,13,14,23-35,37 and 39-44 is/are rejected.
- 7) Claim(s) 11,12,15-22,36,38,45 and 46 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on June 6, 2005 has been entered and made of record.

Applicant's arguments have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, 13, 14, 23-35, 37 and 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nee (U.S. Patent No. 6,661,539).

Regarding claim 1, Nee discloses a picture frame scanner comprising: a frame (101) defining a display area, said frame disposed generally upright; a transparent retention pane (103)

mounted within said frame, spanning said display area; a support back (102) spanning said display area, said support back spaced apart from and adjacent to said retention pane; and an image scanning bar (701) operatively mounted in said frame for moving across said display area and scanning an electronic image of an item that is disposed between said support back and said retention pane into memory storage (fig. 2 & 7, col. 3, line 48 through col. 4, line 10).

Regarding claim 2, Nee discloses that the interior optical, electrical and mechanical components used for scanning are within scanning device 100 (col. 4, lines 5-10).

Regarding claim 3, Nee discloses that the scanning device is connected to a digital computing device (col. 4, lines 23-32).

Regarding claim 4, Nee discloses the picture frame scanner of claim 1 wherein said scanner is selectively deployable in landscape and portrait orientations (fig. 3, col. 4, lines 42-49).

Regarding claim 5, Nee discloses the picture frame scanner of claim 4 wherein said scanner scans when deployed in either of said landscape and portrait orientations (please refer to claim 4).

Regarding claim 6, Nee discloses the picture frame scanner of claim 4 further comprising a stand extending rearwardly from a lower corner of said frame, said stand selectively maintaining said scanner in said landscape and portrait orientations (fig. 3).

Regarding claim 13, Nee discloses the picture frame scanner of claim 1 wherein said frame, said support back and said retention pane define an item receptive slot for selective user insertion into and removal of said item from said frame between said support back and said retention pan (please refer to claim 1).

Regarding claim 14, Nee discloses the picture frame scanner of claim 1 wherein said image scanning bar extends across said display area and comprises a light for lighting said item during scanning and a mechanism to move said bar across said display area to scan said item (fig. 2C, col. 4, lines 53-65).

Regarding claims 23-29, Nee discloses communication ports, power port and a control panel for controlling scanner functions (col. 4, lines 23-33).

Regarding claim 30, Nee discloses the picture frame scanner of claim 1 wherein said frame comprises a hinged access portion operatively opening to receive said item to be scanned operatively closing for scanning of said item (figs. 1 & 2).

Regarding claim 31, Nee discloses the picture frame scanner of claim 1 wherein said frame is adapted to selectively receive snap fit covers (figs. 1 & 2).

Regarding claim 32, Nee discloses the picture frame scanner of claim 1 further comprising a document cover hinged to said frame, operative to cover said display area during scanning (figs. 1 & 2).

Regarding claims 33 and 35 arguments analogous to those presented for claims 1 and 2 are applicable to claims 33 and 35.

Regarding claim 34, Nee discloses the step for initiating the scanning operation (col. 6, lines 21-23).

Regarding claim 39, Nee discloses the method of claim 33 further comprising the step of: disposing said item to be scanned in said frame facing outward (fig. 2).

Regarding claims 42-44 arguments analogous to those presented for claims 1 and 2 are applicable to claims 42-44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nee (U.S. Patent No. 6,661,539) and further in view of Krist et al. (U.S. Patent No. 5,615,015). (col. 10, lines 53-63).

Regarding claims 7-10, 40 and 41 Krist et al. discloses remote image processing operation which include image rotation (col. 10, lines 53-63). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include this image processing feature in Nee's scanning operation to add remote capabilities to Nee's system through its connection to the digital computing device.

Allowable Subject Matter

Claims 11, 12, 15-22, 36, 38, 45 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipour
Patent Examiner
Art Unit 2622
August 17, 2005


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